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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.

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BROOKLYN OFFICE

HAREL INSURANCE CO., LTD., as subrogee of
KORNIT DIGITAL, LTD.,

Plaintiff,

- against-

M.H. LOGISTICS, LTD., D/B/A MH LOGISTICS,
R & M FREIGHT, INC., D/B/A R&M TRUCKING
COMPANY, RAIN DOGS TRUCKING, INC.,
ACCELERATED TRANSPORTATION SOLUTIONS,
INC., and SPECIAL TRANSPORT, LLC,

Defendants.

COMPLAINT
CV 14 - 3457

MATSUMOTO, J.
LEVY, M.J.

Plaintiff, HAREL INSURANCE CO., LTD., as subrogee of KORNIT DIGITAL, LTD.,
by and through its attorneys, Giuliano McDonnell & Perrone, LLP, as and for its Complaint
against the defendants alleges the following upon information and belief:

THE PARTIES

1. Plaintiff, HAREL INSURANCE CO., LTD. ("HAREL"), is an insurance company duly organized and existing under the laws of Israel, with its principal place of business located in Israel.
2. KORNIT DIGITAL, LTD. ("KORNIT"), is a business duly organized and existing under the laws of Israel with its principal place of business located in Israel.
3. Upon information and belief DHL GLOBAL FORWARDING ("DHL") is a corporation organized and existing under the laws of one of the states of the United States with its principal place of business located at 1801 NW 82nd Avenue, Miami, Florida, 33126.
4. F.C. (FLYING CARGO) INTERNATIONAL TRANSPORTATION, LTD. ("FC INT'L"), is a foreign corporation owned and operated by DHL and located in Israel.

5. Upon information and belief, ROYAL JORDANIAN is a foreign corporation with its United States headquarters located at 355 Lexington Avenue, 14th Floor, New York, New York, 10017.

6. Upon information and belief, M.H. LOGISTICS, LTD., D/B/A MH LOGISTICS, is a corporation duly organized and existing under the laws of the state of New Jersey and performs most of its business in Queens County, New York.

7. ACCELERATED TRANSPORTATION SOLUTIONS, INC. ("ACCELERATED TRANSPORT") is a corporation duly organized and existing under the laws of the state of New York with its principal place of business located at 146-35 167th Street, 202, Jamaica, New York, 11434.

8. RAIN DOGS TRUCKING, INC. ("RAIN DOGS") is a corporation duly organized and existing under the laws of the state of Illinois with its principal place of business located at 1128 Partridge Avenue, Bolingbrook, Illinois, 60490.

9. R & M FREIGHT, INC., D/B/A R&M TRUCKING COMPANY ("R&M") is a corporation duly organized and existing under the laws of the state of the Illinois, with its principal place of business is located at 3720 River Road, Franklin Park, Illinois, 60131.

10. SPECIAL TRANSPORT, LLC ("SPECIAL TRANSPORT"), is a limited liability company duly organized and existing under the laws of the state of Nevada with its principal place of business located at 1349 West Horizon Ridge Parkway, Henderson, Nevada, 89012.

JURISDICTION

11. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1337, 49 U.S.C. § 14706, the Interstate Commerce Act, and 49 U.S.C. § 13706 of the Interstate

Commerce Commission Termination Act of 1995 (“ICCTA”), as this action involves liability for loss of goods traveling in interstate commerce.

12. Subject matter jurisdiction is based upon federal question jurisdiction, 28 U.S.C § 1331.

13. Venue is proper pursuant to 49 U.S.C. § 14706(d).

COUNT I
CARRIER LIABILITY PURSUANT TO CARMACK AMENDMENT

14. On or about June 7, 2013, pursuant to an Air Waybill (512-44579194), KORNIT, tendered a Kornit Digital Printing Machine in good order and condition to FC INT’L (“the cargo”) and DHL for transport in international commerce from KORNIT’s facility in Israel, to JFK International Airport. FC INT’L and DHL signed the Air Waybill on behalf of ROYAL JORDANIAN, the air carrier. ROYAL JORDANIAN transported the cargo from Israel to JFK International Airport in Jamaica, New York pursuant to the Air Waybill signed by FC INT’L and DHL.

15. FC INT’L and DHL received the cargo in good order and condition at DHL’s location at Building 89 – Cargo Area C, JFK International Airport, Jamaica, New York, 11430 on June 10, 2013.

16. On or about June 10, 2013, DHL and FC INT’L hired MH LOGISTICS to arrange for the inland transportation of the cargo in interstate commerce from JFK International Airport in Jamaica, New York to 512 Genesco Street, Storm Lake, Iowa, 50588.

17. Upon information and belief, MH LOGISTICS hired or subcontracted ACCELERATED TRANSPORTATION to carry the cargo from JFK International Airport to 512 Genesco Street, Storm Lake, Iowa, 50588.

18. Upon information and belief, on or about June 10, 2013, the cargo was received by ACCELERATED TRANSPORTATION at JFK International Airport in good order and condition for transport from JFK International Airport to 512 Genesco Street, Storm Lake, Iowa, 50588.

19. Upon information and belief, ACCELERATED TRANSPORTATION subcontracted the actual transportation of the cargo to RAIN DOG, R&M, and SPECIAL TRANSPORT.

20. Upon information and belief, RAIN DOG picked up the cargo at JFK International Airport on June 13, 2013, and delivered it to R&M at 3720 River Road, Franklin Park, Illinois, 60131 on June 15, 2013.

21. Upon information and belief, R&M stored the cargo as its warehouse facility located at 3720 River Road, Franklin Park, Illinois, 60131.

22. Upon information and belief, SPECIAL TRANSPORT picked up the cargo from 3720 River Road, Franklin Park, Illinois, 60131.

23. On or about June 17, 2013, SPECIAL TRANSPORT delivered the cargo to The Woodie Shop, LLC, at 512 Genesco Street, Storm Lake, Iowa, 50588. Upon delivery, The Woodie Shop's employees discovered that the cargo had been stored and/or transported in a refrigerated container by the carrier and/or its agents, that the cargo was covered in ice and condensation and that the cargo had been damaged as a result. The Woodie Shop rejected the water damaged cargo.

24. ACCELERATED TRANSPORTATION is liable for the damage to the cargo pursuant to 28 U.S.C. § 14706, which is commonly referred to as the "Carmack Amendment."

25. ACCELERATED TRANSPORTATION's agents and subcontractors, RAIN DOG, SPECIAL TRANSPORT and/or R&M, are liable for the damage to the cargo pursuant to 28 U.S.C. § 14706, which is commonly referred to as the "Carmack Amendment."

26. MH LOGISTICS is liable for the damage to the cargo pursuant to 28 U.S.C. § 14706, which is commonly referred to as the "Carmack Amendment."

27. KORNIT submitted a claim to HAREL for the damage to the Shipment.

28. HAREL paid the claim, and is subrogated to the rights of KORNIT.

29. As a direct and proximate result of the actions of the Defendant(s), the Plaintiff has suffered the loss of the value of the cargo, and replacement cost in excess of \$64,100.00, which Plaintiff paid.

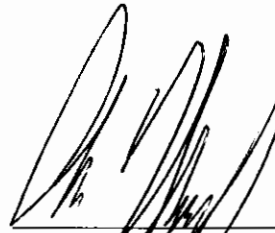
COUNT II
NEGLIGENCE

30. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 29 as if fully set forth herein at length.

31. The damage to the cargo was the result of failing to properly care for it and was caused by the negligence, carelessness, recklessness, negligent omissions and/or gross negligence of defendant(s), MH LOGISTICS, ACCELERATED TRANSPORTATION, RAIN DOG, SPECIAL TRANSPORT and/or R&M, acting by and through their employees, agents and servants, who were acting within the scope and course of their employment, and as a result of their negligence in the selection of subcontractors.

WHEREFORE, Plaintiff demands judgment against the defendants in the amount of \$64,100.00, plus interest, costs, disbursements, and attorneys' fees, as well as such other, further, and different relief that the Court deems just, proper, and equitable.

Dated: New York, New York
May 29, 2014



Nicholas P. Giuliano, Esq.
Christopher R. Murray, Esq.
Giuliano McDonnell & Perrone, LLP
Attorneys for the Plaintiff
HAREL INSURANCE CO, LTD.
as subrogee for KORNIT DIGITAL, LTD.
494 Eighth Avenue, 7th Floor
New York, New York 10001
Telephone: (646) 328-0120
Facsimile: (646) 328-0121
E-mail: ngiuliano@gmplawfirm.com
E-mail: cmurray@gmplawfirm.com

TO:
M.H. LOGISTRICS, LTD., D/B/A MH LOGISTICS
633 Division St.
Elizabeth, NJ 07201

ACCELERATED TRANSPORTATION SOLUTIONS, INC.
146-35 167th Street, 202,
Jamaica, New York, 11434

RAIN DOGS TRUCKING, INC.
1128 Partridge Avenue
Bolingbrook, Illinois, 60490

R & M FREIGHT, INC., D/B/A R&M TRUCKING COMPANY
3720 River Road
Franklin Park, Illinois, 60131

SPECIAL TRANSPORT, LLC
1349 West Horizon Ridge Parkway,
Henderson, Nevada, 89012